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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/029,586 | 10/24/2001 | Richard Becker | BI9321P | 4961 |

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EXAMINER

VALENCIA, DANIEL E

ART UNIT PAPER NUMBER

2874

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,586

Applicant(s)

BECKER, RICHARD

Examiner

Daniel E Valencia

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 24 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

New corrected drawings are required in this application because the drawings submitted are informal. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chou U.S. Patent No. 5,452,391. Refer to the appropriate drawings or parts of the specification. Chou discloses a reusable optical fiber connector adapter with an optical barrier with all the limitations of the abovementioned claims. Regarding claims 1, 6-8, 10, and 13, Chou discloses a fiber detector apparatus (fig. 1, 2, and 14) and method comprising: a hub (16 and 10) having a proximal (22) end and a distal end (32), and having a longitudinal axis through a lumen extending through the proximal and distal ends, wherein the hub is structured to receive a fiber guide (104) through the lumen; and a plurality of electrical contacts (24) that provide fiber identification information of a

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fiber within the fiber guide tube, the electrical contacts being provided at a leading surface of the proximal end of the hub, wherein a printed circuit board is placed into electrical contact with the pins and the position of the pins contacting the circuit board determine a coding sequence indicative of the presence of the fiber (col. 10, lines 59-bottom); and the coding sequence is decoded (inherently) to determine whether the fiber is attached to the hub. Chou further discloses that the electrical contacts are retractable pins (col. 4, lines 62-bottom) that are in electrical communication with the other electrical contacts as well as a microcircuit (optoelectronic laser), as explained in claims 2-5, 9, and 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 are 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou. Refer to the appropriate drawings or parts of the specification. Chou as applied above, discloses an optical fiber detector assembly with essentially all the elements of the claimed invention. However, the reference does not explicitly disclose a material remover, at least three pins, or the enumerated fiber characteristics measured.

On the other hand, Chou discloses that the device is used for medical applications (col. 1). One of ordinary skill in the art would recognize the importance of

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precision when it comes to medical procedures employing a fiber laser. Furthermore, an ordinarily skilled artisan also knows that in order to fabricate a precise optical fiber laser, material is often cut or removed from the end of the fiber, as mentioned in claim 12. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use a material remover on the end of the fiber guide in the device disclosed by Chou.

Regarding claim 14, one of ordinary skill in the art would have found it obvious at the time of invention to use any number of electrical pins in view of the teaching of Chou.

Chou fails to explicitly state that the device measures the characteristics enumerated and stores them in the microcircuit. Rather Chou's device includes the hub being electrically connected to an optoelectronic circuit including a laser. However, one of ordinary skill in the art would recognize that Chou's device could be used to connect to an optoelectronic circuit including a photodetector, rather than a laser, to the fiber in order to sense fiber characteristics enumerated in claims 15, 16, 18, and 19, for storing in the memory of the circuit, as mentioned in claim 17. The limitations listed in claims 15-19 are within the scope of the Chou reference and would have been obvious to one of ordinary skill in the art the time of invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U.S. and Foreign Patents disclose fiber optic

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detector apparatuses including a hub, and electrical contacts at the proximal end for coupling to an electrical circuit.

Cedrone U.S. Patent No. 5,349,137 discloses a sterilizable cable assembly.

Williamson III U.S. Patent No. 6,325,551 discloses a method and apparatus for optically aligning optical fibers with optical devices.

Richard U.S. Patent No. 5,061,033 discloses a removable optical interconnect for electronic modules.

Frigo U.S. Patent No. 5,625,733 discloses an arrangement for interconnecting an optical fiber to an optical component.

Grimes U.S. Patent No. 4,353,147 discloses an identification of transmission characteristic of optical fibers.

Welsh U.S. Patent No. 5,898,807 discloses an optical fiber connector.

Smith U.S. Patent No. 6,533,466 discloses a hybrid connector assembly for electrical conductors and fiber optic data conductors.

Webb Japanese Patent No. 8254634 discloses an optical fiber assembly.

Erbse European Patent No. 0 753 906 discloses an electrical plug device.

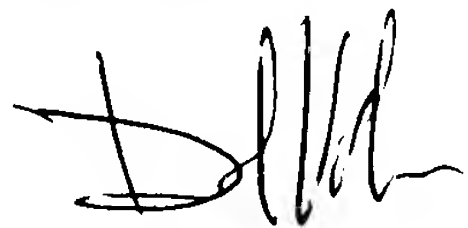
Iser European Patent No. DE 3303624 discloses a plug in connector for optical fibers having electrical interfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel E Valencia whose telephone number is (703)-305-4399. The examiner can normally be reached on Monday-Friday 9:30-6:00.

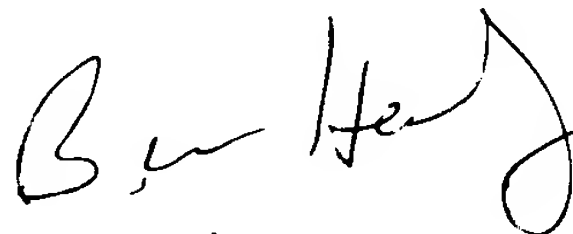
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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

A handwritten signature in black ink, appearing to be 'D. M. H.' or similar, written in a cursive style.

DEV

A handwritten signature in black ink, appearing to be 'B. H. H.' or similar, written in a cursive style.